

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

SANDY COHEN,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO.
)	
LELAND WOLFE, RYAN)	
LOGISTICS, INC., BLITZ)	On removal from the State Court of
TRANSPORTATION, INC.,)	Chattooga County, Civil Action
AUTO-OWNERS)	File No: 22SCA3905
INSURANCE COMPANY,)	
)	JURY TRIAL DEMANDED
Defendants.)	

NOTICE OF REMOVAL

COMES NOW, RYAN LOGISTICS, INC., BLITZ TRANSPORTATION, INC., and AUTO-OWNERS INSURANCE COMPANY (collectively “Defendants”), Defendants in the above styled action, and within the time prescribed by law files this Notice of Removal and respectfully shows the Court the following facts:

1.

Plaintiff commenced this action by filing her Complaint on June 22, 2022, in the State Court of Chattooga County, which is a county within the Rome Division of this Court. The suit is styled as above and numbered civil action file number 22SCA3905 in that Court. Defendant Auto-Owners Insurance Company was served

with a copy of the suit on July 5, 2022; Defendant Ryan Logistics, Inc. was served with a copy of the suit on July 7, 2022; and Blitz Transportation, Inc. was served on or around July 11, 2022. The Notice of Removal is filed within the 30 days of Defendants' receipt of the suit and is thus timely. Defendant Leland Wolfe has not been served with a copy of the suit.

2.

Upon information and belief, Plaintiff is citizen of the State of Georgia.

3.

Defendant Ryan Logistics, Inc. is a foreign corporation organized under the laws of the State of Ohio, with its principal place of business in the State of Ohio. Defendant Ryan Logistics, Inc., is not a citizen of the State of Georgia and was not a citizen of the State of Georgia on the date of filing of the aforesaid civil action and has not been thereafter. (*See* Plaintiff's Complaint ¶1).

4.

Defendant Blitz Transportation, Inc. is a foreign corporation organized under the laws of the State of Ohio, with its principal place of business in the State of Ohio. Defendant Blitz Transportation, Inc. is not a citizen of the State of Georgia and was not a citizen of the State of Georgia on the date of filing of the aforesaid civil action and has not been thereafter. (*See* Plaintiff's Complaint ¶2).

5.

Defendant Auto-Owners is a corporation organized under the laws of the State of Michigan with its principal place of business in the State of Michigan. Defendant Auto-Owners is not a citizen of the State of Georgia and was not a citizen of the State of Georgia on the date of filing of the aforesaid civil action and has not been thereafter.

6.

Defendant Leland Wolfe is a citizen and resident of the State of Ohio. Defendant Leland Wolfe is not a citizen of the State of Georgia and was not a citizen of the State of Georgia on the date of filing of the aforesaid civil action and has not been thereafter. (*See* Plaintiff's Complaint, ¶3).

7.

Complete diversity exists between Plaintiff and Defendants in accordance with 28 U.S.C. §1332 (a)(1).

8.

The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Plaintiff has expressly alleged that she is seeking \$79,060.61 in medical expenses. (*See* Plaintiff's Complaint, ¶12). In addition, Plaintiff is seeking damages for lost wages in an unspecified amount, damages for additional medical expenses,

and pain and suffering. (*See* Plaintiff's Complaint ¶¶11-12).

9.

This case is a civil action that may be removed to this Court pursuant to 28 U.S.C. § 1441. This court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) and (b) because there is complete diversity of citizenship between Plaintiff and Defendants and, as shown above, the amount in controversy exceeds \$75,000. Further, as required by 28 U.S.C. § 1441(b), no Defendants are citizens of the State of Georgia.

10.

Pursuant to 28 U.S.C. § 1446(a), Defendants have attached hereto copies of all process, pleadings, and orders served upon them in this case, such copies being marked "Exhibit A".

11.

Defendants submit this Notice of Removal without waiving any defense to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted. Defendants specifically reserves the right to assert, if applicable, any and all defenses enumerated under Rule 12 of the Federal Rules of Civil Procedure or any other affirmative defenses, including those enumerated under Rule 8(c) of the Federal Rules of Civil Procedure, upon the filing of its responsive

pleadings within the time allotted under the Federal Rules of Civil Procedure.

12.

Defendants have given written notice of the filing of this Notice of Removal to Plaintiff by notifying her attorneys of record, Clyde E. Rickard, Jessica C. Nix, and Christopher Sandbach, The Law Office of Rickard, Drew and Nix, 229 Peachtree Street, NE, Suite 2420, Atlanta, GA 30303. Defendants have also filed a written notice with the Clerk of the State Court of Chattooga County, a copy of said notice being attached hereto and made in part hereof.

WHEREFORE, Defendants pray that the case be removed to the United States District Court for the Northern District of Georgia, Rome Division.

This 3rd day of August, 2022.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Gillian S. Crowl

Mike O. Crawford

Georgia Bar No. 194165

Gillian S. Crowl

Georgia Bar No. 654746

Attorneys for Defendants

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CERTIFICATION PURSUANT TO L.R. 7.1D

Pursuant to Northern District of Georgia Local Rule 7.1D, the undersigned counsel for Defendant hereby certifies that the above and foregoing submission is a computer document prepared in Times New Roman (14 point) font and in accordance with Local Rule 5.1B.

This 3rd day of August, 2022.

SWIFT, CURRIE, MCGHEE & HIERS, LLP

By: /s/ Gillian S. Crawl

Mike O. Crawford

Georgia Bar No. 194165

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CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a true and accurate copy of ***NOTICE OF REMOVAL*** with the Clerk of Court using the CM/ECF System. The clerk will serve opposing counsel as follows:

Clyde E. Rickard
Jessica C. Nix
Christopher Sandbach
The Law Office of Rickard, Drew and Nix
229 Peachtree Street, NE
Suite 2420,
Atlanta, GA 30303
Attorneys for Plaintiff

This 3rd day of August, 2022.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Gillian S. Crowl
Mike O. Crawford
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